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The words "Missouri" and "State" have been dropped from most agency names and the word order of many of these names has been inverted. This index includes entries for agency names, key words and titles. References have been added to lead the user to the simple form of each agency's name under which all titles by or about that agency have been grouped. Key words are capitalized, followed by an indented list of titles containing that word. Titles are entered in direct order, although a few long titles have been abbreviated or truncated. To enhance its usefulness, MoDocs classification numbers have been added to each entry. An asterisk designates publications sent to Missouri state depositories. All references are to page numbers in the January through December 2003 issues.

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Municipal animal pounds are only authorized to impound or harbor dogs and cats. Decompression is not a recommended method of euthanasia by the American Veterinary Medical Association's Panel on Euthanasia. Therefore, a municipal animal pound is not authorized to use a decompression chamber to euthanize wildlife, (Opinion)

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Municipal animal pounds are only authorized to impound or harbor dogs and cats. Decompression is not a recommended method of euthanasia by the American Veterinary Medical Association's Panel on Euthanasia. Therefore, a municipal animal pound is not authorized to use a decompression chamber to euthanize wildlife, (Opinion)

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The Missouri Constitution prohibits the Board of Public Buildings from issuing general obligation bonds without complying with the provisions of Article III, Section 37 of the Missouri Constitution, which require a vote of the people if the liability involved exceeds \$1 million. Indeed, Sections 8.500, et seq., do not purport to authorize the Board of Public Buildings to issue a general obligation bond for the liability of the state. But, the Board of Public Buildings may issue bonds payable from the state's share of tobacco settlement proceeds, and from money appropriated by the General Assembly, without having those bonds constitute general obligation bonds for the liability of the state and thus without making any vote of the people necessary, (Opinion) ATG 11:2003/90

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A recorder of deeds shall accept for recordation land surveys prepared by a registered land surveyor that has either an embossed seal or a rubber stamp of the surveyor's seal, (Opinion)

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Atrazine, (Fact Sheet) NR.WP/Pu 8:At 7/2003

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ATTORNEY GENERAL

(1) A citizen's advisory committee established by a city to make recommendations concerning city policy, such as a city's municipal land use plan, is a public governmental body and, therefore, must keep a journal or minutes of its meetings, keep a record of its votes, and make its meetings and records open to the public, unless a provision of law specifically allows for a meeting or record to be closed.

(2) If a member of the committee or a city staffer generates a communication concerning the subject of the committee's work to a consultant, and if there is a record of that communication, that record is a "public record" within the meaning of the Sunshine Law.

(3) If the original of such a record is given to a consultant and a copy is not kept, it remains a public record, with the consultant holding the record as the public governmental body's agent; the body's custodian of records is responsible for retrieving the record in response to a request for public access to it, (Opinion)

ATG 11:2003/143 p. 2003-060

The 24-cent tax rate increase approved by the voters of the Special School District of St. Louis County in November 2000 should be added to the tax rate ceiling that was applicable for the date of that election to determine the District's new tax rate ceiling pursuant to Section 137.073.5(2), RSMo. Assuming that Section 137.073 had been properly applied to determine the District's tax rate ceiling to that point in time, the new tax rate ceiling calculated in that fashion would also be the District's new maximum levy permitted by Article X, Section 22(a) of the Missouri Constitution, (Opinion)

ATG 11:2003/107 p. 2003-0

All identifiable information regarding a juvenile in records of a juvenile court proceeding must be kept confidential unless the specific instances set forth in Section 211.321 are met, (Opinion)

ATG 11:2003/37

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Contracts subject to the provisions of Section 50.660, RSMo 2000, that are not let pursuant to those provisions are unenforceable against the county; however, the provider of the supplies, materials, or equipment has a cause of action for those obligations against the bond of the public official who acquired the supplies, materials, or equipment, (Opinion) ATG 11:2003/51 p. 2003-008

Directors of some first class counties may hold a lucrative office or be employed by the state or a political subdivision while serving as a director, (Opinion)

ATG 11:2003/63 p. 2003-001

An election authority may not close records compiling voter registration information described in Section 115.157, RSMo Cum. Supp. 2002, in response to a newspaper's request for such records on the basis that they would be used for "commercial purposes" as that term is used in Section 115.158, RSMo 2000, or Section 115.158 as amended by Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Bill No. 511, 92nd General Assembly, First Regular Session (2003), where the newspaper has represented that it will not use the information for commercial purposes but instead will use it for fact-checking. The election authority must provide such records in CD-ROM format if so requested and if it has the capability to do so, (Opinion)

ATG 11:2003/126

First class counties not having a charter form of government must expend not less than 25 percent of the moneys deposited in the special road and bridge fund that accrue to that fund from cities, towns, and villages for the repair and improvement of existing roads, streets, and bridges within such cities, towns, or villages, (Opinion)

ATG 11:2003/93

p. 2003-045

The Missouri Constitution prohibits the Board of Public Buildings from issuing general obligation bonds without complying with the provisions of Article III, Section 37 of the Missouri Constitution, which require a vote of the people if the liability involved exceeds \$1 million. Indeed, Sections 8.500, et seq., do not purport to authorize the Board of Public Buildings to issue a general obligation bond for the liability of the state. But, the Board of Public Buildings may issue bonds payable from the state's share of tobacco settlement proceeds, and from money appropriated by the General Assembly, without having those bonds constitute general obligation bonds for the liability of the state and thus without making any vote of the people necessary, (Opinion)

ATG 11:2003/90

p. 2003-009

Missouri law does not prohibit an employer from agreeing to allow its employees who sustain occupational injuries or illnesses from selecting physicians of their own choice or from agreeing to pay for such physicians, (Opinion)

ATG 11:2003/132 p. 2003-059

Municipal animal pounds are only authorized to impound or harbor dogs and cats. Decompression is not a recommended method of euthanasia by the American Veterinary Medical Association's Panel on Euthanasia. Therefore, a municipal animal pound is not authorized to use a decompression chamber to euthanize wildlife, (Opinion)

ATG 11:2003/32 p. 2003-008

The provision of the Missouri Downtown and Rural Economic Stimulus Act ("MODRESA") to be codified at Section 99.960.8, RSMo, does not preclude a project that has been designated as a redevelopment project under the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 et seq., RSMo 2000 ("the TIF statute"), and is receiving funding through "payments in lieu of taxes" and "economic activity taxes" under that statute, from subsequently being approved for state supplemental downtown development financing under MODRESA. Whether another provision of MODRESA would preclude such a combination of financing would depend on the circumstances, (Opinion) ATG 11:2003/136 p. 2003-060

A recorder of deeds shall accept for recordation land surveys prepared by a registered land surveyor that has either an embossed seal or a rubber stamp of the surveyor's seal, (Opinion)

ATG 11:2003/15

p. 2003-008

A retirement plan for the city of St. Louis may discharge its responsibilities under Section 70.795 by supplying a retiree organization with the plan's retired members' names and addresses, (Opinion)

ATG 11:2003/104 p. 2003-045

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The provision of the Missouri Downtown and Rural Economic Stimulus Act ("MODRESA") to be codified at Section 99.960.8, RSMo, does not preclude a project that has been designated as a redevelopment project under the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 et seq., RSMo 2000 ("the TIF statute"), and is receiving funding through "payments in lieu of taxes" and "economic activity taxes" under that statute, from subsequently being approved for state supplemental downtown development financing under MODRESA. Whether another provision of MODRESA would preclude such a combination of financing would depend on the circumstances, (Opinion) ATG 11:2003/136

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OPINION

(1) A citizen's advisory committee established by a city to make recommendations concerning city policy, such as a city's municipal land use plan, is a public governmental body and, therefore, must keep a journal or minutes of its meetings, keep a record of its votes, and make its meetings and records open to the public, unless a provision of law specifically allows for a meeting or record to be closed. (2) If a member of the committee or a city staffer generates a communication concerning the subject of the committee's work to a consultant, and if there is a record of that communication, that record is a "public record" within the meaning of the Sunshine Law. (3) If the original of such a record is given to a consultant and a copy is not kept, it remains a public record, with the consultant holding the record as the public governmental body's agent; the body's custodian of records is responsible for retrieving the record in response to a request for public

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The 24-cent tax rate increase approved by the voters of the Special School District of St. Louis County in November 2000 should be added to the tax rate ceiling that was applicable for the date of that election to determine the District's new tax rate ceiling pursuant to Section 137.073.5(2), RSMo. Assuming that Section 137.073 had been properly applied to determine the District's tax rate ceiling to that point in time, the new tax rate ceiling calculated in that fashion would also be the District's new maximum levy permitted by Article X, Section 22(a) of the Missouri Constitution, (Opinion)

ATG 11:2003/107 p. 2003-059

All identifiable information regarding a juvenile in records of a juvenile court proceeding must be kept confidential unless the specific instances set forth in Section 211.321 are met, (Opinion) p. 2003-008 ATG 11:2003/37

Contracts subject to the provisions of Section 50.660, RSMo 2000, that are not let pursuant to those provisions are unenforceable against the county; however, the provider of the supplies, materials, or equipment has a cause of action for those obligations against the bond of the public official who acquired the supplies, materials, or equipment, (Opinion) ATG 11:2003/51 p. 2003-008

Directors of some first class counties may hold a lucrative office or be employed by the state or a political subdivision while serving as a director, (Opinion)

ATG 11:2003/63

An election authority may not close records compiling voter registration information described in Section 115.157, RSMo Cum. Supp. 2002, in response to a newspaper's request for such records on the basis that they would be used for "commercial purposes" as that term is used in Section 115.158, RSMo 2000, or Section 115.158 as amended by Conference Committee Substitute for Senate Substitute for Senate Committee Substitute for House Substitute for House Bill No. 511, 92nd General Assembly, First Regular Session (2003), where the newspaper has represented that it will not use the information for commercial purposes but instead will use it for fact-checking. The election authority must provide such records in CD-ROM format if so requested and if it has the capability to do so, (Opinion) ATG 11:2003/126 p. 2003-059

First class counties not having a charter form of government must expend not less than 25 percent of the moneys deposited in the special road and bridge fund that accrue to that fund from cities, towns, and villages for the repair and improvement of existing roads, streets, and bridges within such cities, towns, or villages, (Opinion) p. 2003-045 ATG 11:2003/93

The Missouri Constitution prohibits the Board of Public Buildings from issuing general obligation bonds without complying with the provisions of Article III, Section 37 of the Missouri Constitution, which require a vote of the people if the liability involved exceeds \$1 million. Indeed, Sections 8.500, et seq., do not purport to authorize the Board of Public Buildings to issue a general obligation bond for the liability of the state. But, the Board of Public Buildings may issue bonds payable from the state's share of tobacco settlement proceeds, and from money appropriated by the General Assembly, without having those bonds constitute general obligation bonds for the liability of the state and thus without making any vote of the people necessary, (Opinion) p. 2003-009 ATG 11:2003/90

Missouri law does not prohibit an employer from agreeing to allow its employees who sustain occupational injuries or illnesses from selecting physicians of their own choice or from agreeing to pay for such physicians, (Opinion) ATG 11:2003/132

Municipal animal pounds are only authorized to impound or harbor dogs and cats. Decompression is not a recommended method of euthanasia by the American Veterinary Medical Association's Panel on Euthanasia. Therefore, a municipal animal pound is not authorized to use a decompression chamber to euthanize wildlife, (Opinion)

p. 2003-008 ATG 11:2003/32

The provision of the Missouri Downtown and Rural Economic Stimulus Act ("MODRESA") to be codified at Section 99.960.8, RSMo, does not preclude a project that has been designated as a redevelopment project under the Real Property Tax Increment Allocation Redevelopment Act, Sections 99.800 et seq., RSMo 2000 ("the TIF statute"), and is receiving funding through "payments in lieu of taxes" and "economic activity taxes" under that statute, from subsequently being approved for state supplemental downtown development financing under MODRESA. Whether another provision of MODRESA would preclude such a combination of financing would depend on the circumstances, (Opinion) ATG 11:2003/136 p. 2003-060

A recorder of deeds shall accept for recordation land surveys prepared by a registered land surveyor that has either an embossed seal or a rubber stamp of the surveyor's seal, (Opinion) ATG 11:2003/15 p. 2003-008

A retirement plan for the city of St. Louis may discharge its responsibilities under Section 70.795 by supplying a retiree organization with the plan's retired members' names and addresses, (Opinion)

ATG 11:2003/104 p. 2003-045

There is no conflict between the provisions of Chapter 355, RSMo, requiring the release of addresses of members of not-for-profit corporations and the Federal Privacy Act, (Opinion) ATG 11:2003/58 p. 2003-017

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ATG 13:2003/96

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p. 2003-064 ATG 13:2003/154

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(2) If a member of the committee or a city staffer generates a communication concerning the subject of the committee's work to a consultant, and if there is a record of that communication, that record is a "public record" within the meaning of the Sunshine Law.

(3) If the original of such a record is given to a consultant and a copy is not kept, it remains a public record, with the consultant holding the record as the public governmental body's agent; the body's custodian of records is responsible for retrieving the record in response to a request for public access to it, (Opinion)

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(2) If a member of the committee or a city staffer generates a communication concerning the subject of the committee's work to a consultant, and if there is a record of that communication, that record is a "public record" within the meaning of the Sunshine Law.

(3) If the original of such a record is given to a consultant and a copy is not kept, it remains a public record, with the consultant holding the record as the public governmental body's agent; the body's custodian of records is responsible for retrieving the record in response to a request for public access to it, (Opinion)

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The Missouri Constitution prohibits the Board of Public Buildings from issuing general obligation bonds without complying with the provisions of Article III, Section 37 of the Missouri Constitution, which require a vote of the people if the liability involved exceeds \$1 million. Indeed, Sections 8.500, et seq., do not purport to authorize the Board of Public Buildings to issue a general obligation bond for the liability of the state. But, the Board of Public Buildings may issue bonds payable from the state's share of tobacco settlement proceeds, and from money appropriated by the General Assembly, without having those bonds constitute general obligation bonds for the liability of the state and thus without making any vote of the people necessary, (Opinion) ATG 11:2003/90 p. 2003-009

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